## Remarks/Arguments

Claims 1-18 are pending in this application, and are rejected in the Office Action of July 24, 2009. Claims 1 and 8 are amended herein to more particularly point out and distinctly claim the subject matter Applicants regard as the invention. No new matter is believed to be introduced by the amendments presented herein.

**Re: Claims 1-3 and 8-10**

Claims 1-3 and 8-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0078029 by Pachet (hereinafter, "Pachet") in view of U.S. Patent Publication No. 2005/0201254 by Looney et al. (hereinafter, "Looney"). Applicants respectfully traverse this rejection for at least the following reasons.

At the outset, Applicants note that one of the problems addressed and solved by the present invention relates to how user selected playlist entries corresponding to either a single song or a plurality of songs are visually represented to the user. The solution to this problem is defined by amended independent claim 1, for example, as follows:

> "A method for displaying information using a digital audio player, comprising the steps of:
> reading a playlist selected by a user;
> enabling a display of one or more entries included in said playlist on a display device associated with said digital audio player, each of said one or more entries corresponding to one of a single song and a plurality of songs and having ***a common visual indicator*** that indicates whether said entry is in one of a first category, a second category and a third category, and wherein:
> said entry is in said first category if said entry corresponds to said single song and said single song has been selected by the user for inclusion in said playlist;
> said entry is in said first category if said entry corresponds to said plurality of songs and all of said plurality of songs have been selected by the user for inclusion in said playlist;
> said entry is in said second category if said entry corresponds to said single song and said single song has not been selected by the user for inclusion in said playlist;

said entry is in said second category if said entry corresponds to said plurality of songs and none of said plurality of songs have been selected by the user for inclusion in said playlist; and

said entry is in said third category if said entry corresponds to said plurality of songs and at least one, but not all, of said plurality of songs has been selected by the user for inclusion in said playlist." (emphasis added)

As indicated above, amended independent claim 1 defines a solution that includes displaying one or more entries included in a playlist. Each of the entries corresponds to either a single song or a plurality of songs selected by the user for inclusion in the playlist and has a common visual indicator that indicates whether the entry is in a first category (picked), a second category (not picked) or a third category (partially picked). Independent claim 8 is also amended herein to define this solution in a similar manner. An example of the claimed "common visual indicator" is shown in FIGS. 5B-5D of Applicants' specification, for example, as a "+" sign (although other visual indicators could also be used). Accordingly, no new matter is introduced by this amendment. As indicated in FIGS. 5B-5D, the "+" sign (i.e., an exemplary "common visual indicator") is advantageously used to effectively communicate to users which of the three aforementioned categories a given entry is in.

Neither Pachet nor Looney, whether taken individually or in combination, discloses or suggests each and every feature of the solution defined by amended independent claims 1 and 8. On pages 4-5 of the Office Action dated July 24, 2009, the Examiner cites FIG. 7 of Pachet for allegedly disclosing "a visual indicator" that indicates which state (i.e., selected or not selected) a user selectable parameter associated with an entry is in. In particular, the Examiner alleges that a given entry is in one state (i.e., selected) if the entry is shaded or darkened, and in another state (i.e., not selected) if the entry is unshaded or not darkened. As such, Pachet clearly teaches a display technique which uses different visual indicators (i.e., shaded/darkened versus unshaded/not darkened) to indicate a state of a given entry. In contrast to Pachet, and as indicated above, the claimed solution defined by independent claims 1 and 8 specifies that "a common visual indicator" is used to indicate a category of a given

entry. Accordingly, Pachet fails to disclose or suggest each and every element of the solution defined by amended independent claims 1 and 8.

Looney fails to remedy the aforementioned deficiencies of Pachet. In particular, Looney discloses in FIG. 23 (cited by Examiner) a display technique which uses a colored flag 798 (i.e., visual indicator) to indicate that a song/entry is flagged or selected (see also paragraph [0126]). However, Looney also discloses that this colored flag is removed if the song/entry is unflagged or not selected. As such, Looney (like Packet) clearly teaches a display technique which uses different visual indicators (i.e., flagged versus unflagged) to indicate a state of a given entry. In contrast to Looney (and Pachet), and as indicated above, the claimed solution defined by independent claims 1 and 8 specifies that "a common visual indicator" is used to indicate which category a given entry is in. Accordingly, for this reason alone, Applicants submit that claims 1-3 and 8-10 are patentable over the proposed combination of Pachet and Looney.

Moreover, on page 4 of the Office Action dated July 24, 2009, the Examiner alleges that Pachet discloses a "sequence of music titles" which reads on the claimed "a plurality of songs" (citing paragraphs [0093] and [0171] and FIG. 7 thereof). Here, Applicants note that independent claims 1 and 8 each includes a feature wherein:

> "said entry is in said first category if said entry corresponds to said plurality of songs and all of said plurality of songs have been selected by the user for inclusion in said playlist" (emphasis added).

As indicated above, independent claims 1 and 8 define a feature wherein a given entry of a playlist corresponds to a plurality of songs and all of the plurality of songs have been selected by a user for inclusion in the playlist. As indicated above, the Examiner ostensibly alleges that Pachet discloses such a feature. Applicants respectfully disagree.

In particular, Pachet discloses a system including a music program generator 48 that automatically produces a programme consisting of titles which takes into account the tastes of a given user based on data stored in a similarity relation graph memory 46

(see, for example, paragraphs [0093], [0111] and [0114]). That is, Pachet discloses a system that employs statistical analysis via a similarity analyzer 44 to produce a programme of titles which is statistically "similar" to music the user already likes (see paragraphs [0088] and [0098]). However, Pachet fails to disclose or suggest, *inter alia*, a feature wherein a given entry of a playlist corresponds to a plurality of songs and all of the plurality of songs have been selected by a user for inclusion in the playlist, as claimed. Looney is ostensibly unable to remedy this deficiency of Pachet.

Accordingly, for at least the foregoing reasons, Applicants submit that claims 1-3 and 8-10 are patentable over the proposed combination of Pachet and Looney, and withdrawal of the rejection is respectfully requested.

**Re: Claims 4 and 11**

Claims 4 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pachet in view of Looney, and further in view of U.S. Patent No. 5,086,345 issued to Nakane et al. (hereinafter, "Nakane"). Applicants respectfully traverse this rejection since Nakane is unable to remedy the deficiencies of the Pachet/Looney combination pointed out above in conjunction with independent claims 1 and 8, from which claims 4 and 11 ultimately depend. Accordingly, withdrawal of the rejection is respectfully requested.

**Re: Claims 5-6, 12-13 and 15-18**

Claim 5-6, 12-13 and 15-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pachet in view of Looney, and further in view of U.S. Patent Publication No. 2006/0212442 by Conrad (hereinafter, "Conrad"). Applicants respectfully traverse this rejection since Conrad is unable to remedy the deficiencies of the Pachet/Looney combination pointed out above in conjunction with independent claims 1 and 8, from which claims 5-6, 12-13 and 15-18 depend. Accordingly, withdrawal of the rejection is respectfully requested.

**Re: Claims 7 and 14**

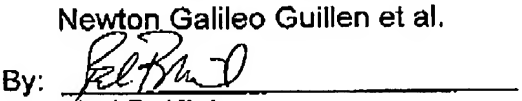
Claims 7 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pachet in view of Looney, and further in view of U.S. Patent Publication No. 2002/0103796 by Hartley (hereinafter, "Hartley"). Applicants respectfully traverse this rejection since Hartley is unable to remedy the deficiencies of the Patchet/Looney combination pointed out above in conjunction with independent claims 1 and 8, from which claims 7 and 14 depend. Accordingly, withdrawal of the rejection is respectfully requested.

**Conclusion**

In view of the foregoing remarks/arguments and accompanying amendments, the Applicants believe this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled. No fee is believed due from this response. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,

Newton Galileo Guillen et al.

By: 

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